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SOURCE:

CASE DOCKETS OF FAR EAST WAR CRIMES TRIALS

RECORD GROUP 153

ENTRY 1021

BOX 0001

HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Doc. No. 47
Yokohama, Japan
19 September 1946

UNITED STATES OF AMERICA VS ISOJIRO OKAZAKI

Review of the Staff Judge Advocate

1. The attached record of trial of Isojiro Okazaki at Yokohama, Japan 2 July 1946, by a Military Commission appointed by paragraph 1, Special Orders No. 170, Headquarters Eighth Army, United States Army, dated 2 July 1946, having been referred to the Staff Judge Advocate this review is submitted to the Commanding General.

Personal Data Concerning Accused.

NAME:	Isojiro Okazaki
AGE:	Twenty-seven (27)
RESIDENCE:	Not shown
MARITAL STATUS:	Married
RELATIVES:	Not shown
EDUCATION:	Not shown
VOCATION:	Employee at a plant to manufacture hemp sack.
MILITARY CAREER:	Imperial Japanese Army, Highest rank: Superior Private.

2. Synopsis of Charges, Pleas, Findings, Legal Sufficiency and Sentence

<u>Charge and Specifications</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: Between 1 February 1945 and 16 May 1945, at Yodogawa P.W. Camp, Osaka Area, Honshu, Japan, accused, then a member of the Armed Forces of Japan, did, violate the Laws and Customs of War.	G	G	Yes
Sp 1 : Between 1 February 1945 and 16 May 1945; accused, willfully and unlawfully, beat and mistreated Captain Frank Lloyd Richardson, an American PW, by striking him about the face and head with fists, belt and shoe.	G	G	Yes
Sp 2 : On or about 14 April 1945, accused, willfully and unlawfully, beat and mistreated private John R. Ward, an American PW, by striking him about the body with fists.	G	G	Yes
Sp 3 : Between 1 February 1945 and 16 May 1945, accused, willfully and unlawfully, mistreated certain American PW's by beating and slapping them.		Nolla prosequi	

Sentence Imposed: Confinement at hard labor for two (2) years.

Maximum Legal punishment: Death

3. Summary of Evidence:

a. For the Prosecution:

As to Specification 1; Captain Frank Lloyd Richardson was the medical officer at Yodogawa Prisoner of war Camp, Osaka Area, Japan. He had a quantity of chocolate bars in his possession which were to be used for sick prisoners only. On an undetermined day between 1 February 1945 and 16 May 1945 the accused, a Japanese soldier who was medical orderly at the camp, asked Captain Richardson for a bar of candy. The Captain refused to comply with this request. The following day he was called to the office of Sergeant Yamamoto, who was directly in charge under the camp commander. Accused was present. Yamamoto stated accused had merely been joking when he had requested the candy. He charged the Captain with having related the incident to an undisclosed American private and said, in so doing, he had insulted the Japanese Army and would be punished therefor. Accused then beat Captain Richardson with a leather belt and this was followed by a beating with a shoe about the head so severely that the sole of the shoe tore loose. He continued this treatment for about ten minutes and, when he had finished, the Captain's face and ears were badly swollen and he had two black eyes (Exs. 1-5, 7).

As to Specification:2: On 14 April 1944, Private John R. Ward, an American prisoner at the camp, was a patient at the medical office. Captain Richardson, medical officer, found him to have a high fever. The following morning his temperature was normal but the Captain considered him too weak to go to work. He made this report to the accused who said ward was not sick and should go to work. Thereupon, accused struck ward with his fists, knocking him down (Ex. 6).

b. For the Defense:

Accused elected to take the stand in his own behalf, was sworn and testified that he was a superior private in the Japanese Army and was medical orderly at the Yodagawa Camp from 1 February 1945 until 16 May 1945. On one occasion, as a joke, he asked Captain Richardson for a chocolate bar and was refused it. The next day a prisoner informed accused that the Captain had told all of the prisoners that the accused was a bad man to ask for a bar of chocolate. He talked to the Captain concerning the patients but he would not answer him. Accused became angry and hit him with his hand and slipper. This caused his face to become blue and swollen. He stated that Captain Richardson on two occasions told him Ward's temperature was higher than it actually was and he struck him on the wrist three times, and struck Ward with his clenched fist because he also told him a lie (R. 9-12).

4. Opinion:

The accused pleaded guilty to Specifications 1 and 2, and Specification 3 was withdrawn from the charge on motion of the prosecution. The record is legally sufficient to support the findings. Accused admitted, in his testimony, the acts with which he was charged. The guilt of the accused was well established. He was ably represented by counsel.

A careful scrutiny of the entire record fails to reveal any error which affected the substantial rights of the accused, or any failure to accord him a fair trial in every respect. The evidence supports the findings. There is no evidence that the accused was not sane at the time the alleged acts were committed and at the time of trial.

5. Recommendations:

There are no letters of clemency from any member of the commission or from others.

The Commission sentenced accused to confinement at hard labor for two years. The sentence is legal.

It is recommended that the sentence be approved. Sugamo Prison, Tokyo, Honshu, Japan, is the appropriate place of confinement.

6. Action:

A form of action designed to carry this recommendation into effect is attached hereto.

/s/ Paul E. Spurlock
PAUL E. SPURLOCK
Reviewer
Judge Advocate Section

I concur, however, the sentence of two years is inadequate for the offenses to which accused pleaded guilty. Proof of Specification 2 shows only a single sharp blow by accused's fist, which knocked down a sick prisoner. Specification 1 embodies a long and brutal beating with fists and a hobnailed shoe administered to a prisoner medical officer. The victim's face was bruised, cut and swollen beyond recognition and remained in this condition for several days. Two years in prison for such offenses is not a sentence which is consonant with the requirements of justice. Proposed action is attached approving the sentence but with an expression as to its inadequacy.

/s/ Allan R. Browne
ALLAN R. BROWNE
Lt. Colonel, JAGD
Army Judge Advocate

HEADQUARTERS EIGHTH ARMY
United States Army
APO 343

Yokohama, Japan

In the foregoing case of Isojiro Okazaki, the sentence is inadequate for the offenses of which the accused was convicted. So that he may receive some punishment for his crimes, however, the sentence is approved and will be duly executed. The Sugamo Prison, Tokyo, Honshu, Japan, or elsewhere as the Supreme Commander for the Allied Powers, or other proper authority, may direct, is designated as the place of confinement.

R. L. EICHELBERGER
Lieutenant General, U. S. Army
Commanding